IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.511 OF 2006
IN
NOTICE OF MOTION NO.1916 OF 2006
IN
SUIT NO.1697 OF 2006

Amirshad Khan ...Appellant
V/s.
Rita Benny Jacinto & Ors. ...Respondents

Mr.H.N. Thakore i/b Mr. M.J. Shetty for the Appellant.
Mr.Deepak Chitnis for the Respondents.

CORAM : DR.S. RADHAKRISHNAN & S.J. VAZIFDAR, JJ.
DATED : 8TH AUGUST, 2006.

P.C. :

1. Heard the learned counsel for the Appellant and the learned counsel for the Respondents.

2. By this Appeal, the Appellant is challenging the order dated 21.6.2006 passed by the learned Single Judge declining to grant any ad-interim reliefs. However by the said order, the learned Single Judge has directed the Respondents to deposit a sum of Rs.7,00,000/- in this Court within two weeks. Accordingly the Respondents have deposited the same. The learned counsel for the Respondents states that the Respondents have already entered into an agreement for

sale of the suit land with one Rashid Khan and the learned counsel assures that all the details and particulars will be furnished to the learned advocate for the Appellant within a week from today.

3. In view of the above, the learned counsel for the Appellant seeks leave to withdraw the Appeal with liberty to take out appropriate proceedings before the learned Single Judge for impleading Rashid Khan also as a Defendant in the aforesaid suit and take out a fresh Notice of Motion for ad-interim reliefs. It is made clear that the learned Single Judge while hearing the ad-interim reliefs afresh will not be bound by the observations by the learned Single Judge made in the impugned order dated 21.6.2006.

4. Appeal is accordingly allowed to be withdrawn and dismissed as such, with the aforesaid liberty.

(DR.S. RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)